

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 13 JANUARY 2022**

**PRIVATE HIRE CAR LICENCES**

**REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

The purpose of this report is to advise Committee of a request received to permit motorised tricycles to be licensed as private hire cars.

**1. RECOMMENDATION**

It is recommended that the Committee: -

- (i) note that a request has been received for the Council to consider permitting motorised tricycles to be licensed as private hire cars;
- (ii) note the current requirements in respect of private hire vehicles; and
- (iii) determine whether to instruct officers to further investigate the use of motorised tricycles as private hire cars and the potential terms by which they could be licensed and report back to a future meeting of this Committee.

**2. BACKGROUND**

- 2.1 Angus Council, in terms of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) has resolved that a licence shall be required for the operation of a vehicle as a private hire car. A private hire car is defined as a motor vehicle with a driver (other than a vehicle being a public service vehicle within the meaning of section 1(1)(a) of the Public Passenger Vehicles Act 1981) which is, with a view to profit, available for hire by the public for personal conveyance. It should be noted that a private hire car and its driver cannot make arrangements in a public place for the conveyance of passengers there and then. Only licensed taxis and drivers are permitted to do this.
- 2.2 Section 10(2) of the 1982 Act provides that a licensing authority shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the vehicle to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car, as the case may be, and is safe for that use, and that there is in force in relation to the vehicle such a policy of insurance or such security as complies with Part VI of the Road Traffic Act 1972.
- 2.3 In respect of the suitability of type, size and design, the Council’s conditions in respect of the grant of private hire car licences provides that:-

“A private hire car shall be either

  - (a) a saloon or estate car with four doors, an internal luggage capacity of not less than 11.5 cubic feet, shall measure at least 48” across the back seat and shall be large enough to carry no fewer than four and no more than five passengers (the seating capacity to be determined in accordance with Regulation 42 of the Road Vehicles (Registration and Licensing Regulations 1971); or
  - (b) a vehicle permanently adapted to carry up to eight passengers, with transverse seats in an approved layout and use for hire or reward.”

### 3. REPORT

- 3.1 The Council has received a request from a business which is planning to offer motorised tricycle tours within and outwith Angus to tourists (starting and ending in Angus). An example of a motorised tricycle is shown at **Appendix 1** (“the proposed vehicle”). The proposed vehicle would be driven by an employee of the business. Officers have advised that given the nature of this activity, the vehicle would require to be licensed as a private hire car and the driver licensed as a private hire driver.
- 3.2 The proposed vehicle would not currently meet the requirements of the Council in respect of the standard conditions which apply to private hire cars. In addition, the vehicle inspection checklist that is used when inspecting vehicles would not be appropriate for inspecting the proposed vehicle.
- 3.3 If the Council were to consider licensing the proposed vehicle as a private hire car then the standard conditions which apply to private hire cars would require to be amended along with the vehicle inspection checklist for private hire cars.
- 3.4 Police Scotland and the Dundee Vehicle Test Centre have been contacted to ascertain their initial views to this proposal. A response is awaited from the Dundee Vehicle Test Centre. Discussions are ongoing with Police Scotland regarding this matter.
- 3.5 Research has been undertaken regarding other local authority practices regarding this type of proposal. It has been identified that one other local authority currently licences the proposed vehicle as a private hire car and has developed conditions and an inspection checklist suited to the proposed vehicle.
- 3.6 The business which has made the request referred to above has been invited to attend the Committee to address it on their proposal and answer any questions the Committee may have.
- 3.7 It is submitted that if the Committee is minded to consider the licensing of the proposed vehicle as a private hire car then this may lead to further requests for the Committee to consider licensing other vehicles which currently do not meet the requirements set out the Council’s conditions in respect of the grant of private hire car licences referred to at 2.3 above. These requests may relate to both vehicles similar to the proposed vehicle and in respect of a general reduction in the size, type and luggage capacity of vehicles that can be licensed as private hire cars.
- 3.8 In light of the above, the Committee is asked to determine whether it wishes to instruct officers to further investigate the use of motorised tricycles as private hire vehicles and the potential terms by which they could be licensed and report back to a future meeting of this Committee.

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APPENDIX 1 TO REPORT NO 6/22

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